

1 KENNER LAW FIRM, P.C.  
David E. Kenner, SBN 41425  
2 Brett A. Greenfield, SBN 217343  
16000 Ventura Boulevard, PH 1208  
3 Encino, CA 91364  
818 995 1195  
4 818 475 5369 - fax

5 WADE, KELLY & SULLIVAN  
733 W. 4<sup>th</sup> Avenue, Suite 200  
6 Anchorage, Alaska 99501  
(907) 561-7743  
7 (907) 562-8977 - fax

8 Attorney for Defendant Josef F. Boehm

9 IN THE UNITED STATES DISTRICT COURT

10 DISTRICT OF ALASKA

11  
12 Sally C. Purser, )  
13 Plaintiff, ) DEFENDANT JOSEF BOEHM'S  
14 v. ) OPPOSITION TO PLAINTIFF'S SECOND  
Josef F. Boehm, Allen K. ) MOTION FOR SUMMARY JUDGMENT  
15 Bolling, and Bambi Tyree, )  
16 Defendants. )  
17 )  
18 )  
19 )

20 CASE NO.: A05-0085 (JKS)

21 I.  
THE EXISTENCE OF GENUINE ISSUES OF FACT AND GENUINE ISSUES AS TO  
22 THE INFERENCES TO BE DRAWN FROM THE FACTS PROHIBIT A FINDING OF  
SUMMARY JUDGMENT.

23 Purser's second motion for summary judgment relies entirely on  
24 her own sworn affidavit, and the sworn affidavit of convicted co-  
25 conspirator and recently dismissed defendant Bambi Tyree.

26 Bambi Tyree was dismissed by Purser as a defendant to the instant  
27 action one week prior to the filing of her affidavit in support of  
28 summary judgment. Purser's stance regarding Tyree's culpability and

1 testimony to the same is now dramatically different from her former  
2 statements concerning Bambi Tyree:

3           **"He's a victim as much as I am, and you want to**  
4           **know who the fucking ring leaders are? Al, Leslie**  
5           **and Bambi ok? And Everybody - they're getting off**  
6           **fucking - because Bambi snitches her little ass**  
7           **around and lies about whatever the fuck she**  
8           **did..."**

9           *Purser Investigator Statement,*  
10           *Page 11, Lines 15-23*

11           In attempting to ascribe a motive for Purser to dismiss Tyree one  
12           can only assume that dismissing Tyree would provide Purser with the  
13           very affidavit that this Court suggested would be required to support  
14           a motion for summary judgment in its November 9, 2006 Order denying  
15           summary judgment as to liability.

16           During Purser's December 12, 2006 deposition, her attorney Darryl  
17           Jones summed up the veracity, truthfulness and reliability of Purser's  
18           testimony and undermined her credibility by stating:

19           **" I don't see the link in the damage yet, unless**  
20           **you're trying to undermine credibility of a crack**  
21           **addict 15 years old at the time. That's fine if**  
22           **you think that can happen, since a 15-year-old**  
23           **crack addict has no credibility".**

24           *Purser deposition, page 16*

25           Counsel's motion now rests on the credibility of Purser's sworn  
26           affidavit replete with false allegations stemming from her daily life  
27           as a 15 year old self proclaimed "crack" cocaine addict.

28           Boehm's investigation and discovery to date reveals the  
29           following:

30           1. All of Purser's allegations regarding Boehm are disputed via  
31           third party affidavits, deposition testimony, interviews and written  
32           discovery;

1        2. Purser has a prolonged history of drug abuse pre-dating her  
2 alleged relationship with Boehm. Purser knew and obtained her drugs  
3 from multiple sources including her mother Kathleen Purser and Bambi  
4 Tyree. Purser admits to the existence of criminal drug convictions and  
5 multiple instances of theft. Purser has exchanged sex for drugs with  
6 numerous individuals and maintained relationships within a network of  
7 drug dealers and drug addicts;

8        3. Bambi Tyree with the assistance of Sally Purser and others  
9 with whom she was involved engaged in a plot to keep Mr. Boehm high  
10 on "crack" cocaine, incoherent and in state of severe psychosis to  
11 enable them to steal his property, cash, cars and too seek to gain  
12 control over his financial resources;

13        4. Boehm never engaged in any sexual activity or conduct with  
14 Sally Purser, never knowingly provided her with drugs, and was not  
15 responsible for her drug addiction and behaviors including but not  
16 limited to trading sex for drugs, theft of money and property, drug  
17 possession and sales, and drug convictions.

18        Purser argues that Boehm should be held liable for her drug  
19 addictions and her claimed psychological and physiological damages.

20        There exists genuine issues of fact and genuine issues as to the  
21 inferences to be drawn from the facts. Where reasonable minds differ  
22 on inferences arising from undisputed facts, the court should deny  
23 summary judgment.

II.

**STATEMENT OF UNDISPUTED FACTS**

The facts presented by sworn testimony, third party affidavits, interviews and written discovery to support the opposition to summary judgment are undisputed as follows:

1. Purser obtained "crack" cocaine and other drugs from numerous sources, including but not limited to Bambi Tyree, Kathleen Purser, Al Bolling, Leslie Williams, Jay Whaley, Carl Bucher, Kathleen Purser's various drug connections and numerous other individuals before, during and after the time period encompassing the alleged actions of Boehm. See *Purser Deposition, Purser Investigator Interview, Tina Arndt Declaration, Vince Blomfield Declaration, Erin Axt Deposition Testimony*;

2. Purser smoked "crack" cocaine with her mother Kathleen Purser, Bambi Tyree, Erin Axt, Carl Bucher, Al Bolling, Jay Whaley and numerous individuals before, during and after the time period encompassing the alleged actions of Boehm. See *Purser Deposition, Purser Investigator Interview, Tina Arndt Declaration, Vince Blomfield declaration, Erin Axt Deposition Testimony*;

3. Purser began smoking marijuana, snorting cocaine, using ecstasy, and drinking alcohol as early as 12 years old. See *Purser Deposition*;

4. Purser was suspended from junior highschool for drugs, specifically ecstasy, prior to the time period encompassing the alleged actions of Boehm. See *Purser Deposition, Purser Investigator Statement*;

5. Purser admits to theft of money and automobiles from numerous individuals including Boehm. Said actions were committed with Bambi

1 Tyree and others. See *Purser Deposition, Purser Investigator*  
2 *Statement, Purser Grand Jury testimony, Erin Axt Deposition Testimony;*

3 6. Purser engaged in numerous acts of sex with older men and  
4 young girls before, during and after the time period encompassing her  
5 claims against Boehm. See *Purser Deposition, Purser Investigator*  
6 *Statement, Tina Arndt Declaration, Vince Blomfield Declaration, Purser*  
7 *Grand Jury testimony, Erin Axt Deposition Testimony;*

8 7. Purser traded sex for "crack" cocaine with numerous  
9 individuals, including older men and drug dealers. In addition,  
10 Purser's mother sold her to older men and drug dealers in exchange for  
11 "crack" cocaine. Said acts occurred before, during and after the time  
12 period encompassing her claims against Boehm. See *Purser Deposition,*  
13 *Purser Investigator Interview, Tina Arndt Declaration;*

14 8. Purser, 16 years old, lived with Jay Whaley, an older man,  
15 convicted drug dealer and escort service operator who paid for her  
16 living expenses and provided her an unlimited source of "crack" cocaine  
17 in exchange for sex during the time period encompassing her claims  
18 against Boehm. See *Purser Deposition, Purser Investigator Interview*

19 9. Purser identifies a conspiracy by and between Tyree, Bolling  
20 and Williams to keep Boehm high on "crack" cocaine and steal from him.  
21 Purser further stated that Tyree tried to harm Boehm by tainting his  
22 food and drugs in an effort to keep him incoherent and within her  
23 control. Purser referred to Tyree as the "ring leader". See *Purser*  
24 *Deposition, Purser Investigator Statement, Purser Grand Jury*  
25 *Testimony, Vince Blomfield Declaration, Tina Arndt Declaration;*

26 10. Bambi Tyree systematically gained control over Boehm by  
27 providing him dirty "crack" cocaine that would cause sickness,  
28 sleepiness, incoherence and an inability to coherently assess his

1 surroundings. Boehm's state of incoherence and inability to control  
2 his surroundings was witnessed by numerous individuals. See *Tina Arndt*  
3 *Declaration, Vince Blomfield Declaration, Purser Investigator*  
4 *Statement;*

5 11. Tyree and others ensured that Boehm remained "high" from the  
6 moment he awoke until the time he passed out, determining who she  
7 would allow to be in the house and how she would use other young  
8 girls, including Purser, to further try to control Mr. Boehm. See  
9 *Purser Investigator Statement, Tina Arndt Declaration, Vince Blomfield*  
10 *Declaration, Report of Gary A. Jacobsen, M.D.;*

11 12. Bambi Tyree abused Mr. Boehm both physically and  
12 psychologically with threats of calling law enforcement and by  
13 bringing other men to physically intimidate Mr. Boehm, by stealing his  
14 personal property, cash, cars and then charging him to return the  
15 property. See *Purser Investigator Statement, Tina Arndt Declaration,*  
16 *Vince Blomfield Declaration, Erin Axt Deposition Testimony, Report of*  
17 *Gary A. Jacobsen, M.D.;*

18 13. Boehm never engaged in any sexual activity or conduct with  
19 Sally Purser, never knowingly provided her with drugs, and was not  
20 responsible for her drug addiction and behaviors including trading sex  
21 for drugs, theft, and drug convictions. See *Purser Deposition, Purser*  
22 *Investigator Statement, Purser Grand Jury Testimony, Vince Blomfield*  
23 *Declaration, Tina Arndt Declaration, Report of Gary A. Jacobsen, M.D.;*

24 14. Boehm's deteriorating mental and physical condition did  
25 render him unable to engage in the alleged sexual activity complained  
26 of. See *Tina Arndt Declaration, Vince Blomfield Declaration; Report*  
27 *of Gary A. Jacobson, M.D.;*

28

1           15. Bambi Tyree with the assistance of Sally Purser and others  
2 with whom she was involved engaged in a plot to keep Mr. Boehm high  
3 on "crack" cocaine to enable them to steal his property, cash, cars and  
4 too seek to gain control over his financial resources. *See Purser*  
5 *Investigator Statement, Purser Deposition, Tina Arndt Declaration,*  
6 *Vince Blomfield Declaration, Erin Axt Deposition Testimony, Report of*  
7 *Gary A. Jacobson, M.D.;*

8           16. Bambi Tyree was a self proclaimed "pimp" and bragged about  
9 knowing every local drug dealer. Bambi Tyree obtained most of her  
10 drugs from Leslie Williams who was her primary supplier and in turn  
11 supplied drugs to Purser and countless others. *See Tina Arndt*  
12 *Declaration, Vince Blomfield Declaration, Purser Investigator*  
13 *Statement;*

14           17. Bambi Tyree is a career hustler who's scam was to identify  
15 men with money and play the role of a girlfriend who traded sex for  
16 drugs. Once the money was gone, so was Bambi Tyree. Bambi Tyree  
17 befriended and used several young girls, including Sally Purser for  
18 the purpose of promoting her scam. Tyree's scams were furthered  
19 through physical intimidation, black mail and threats of calling law  
20 enforcement. *See Vince Blomfield Declaration, Tina Arndt Declaration,*  
21 *Sally Purser Investigator Statement;*

22           18. Boehm's extreme degree of mental mismanagement of  
23 perceptions, emotions, impulses, judgments, etc., with resultant  
24 irrational behaviors, is consistent with his pattern of use of  
25 extremely high dose of crack cocaine during the period of time when he  
26 is alleged to have knowingly and/or intentionally committed the  
27 alleged acts. *Report of Gary A. Jacobsen, M.D.;*

28

1 19. Boehm's total mental function impairments were so severe as  
2 to prevent him from being able to act with knowledge and intent during  
3 the period of time when he is alleged to have knowingly and/or  
4 intentionally committed the alleged acts. *Report of Gary A. Jacobsen,*  
5 *M.D.;*

6  
7 **III.**

8 **SUMMARY JUDGMENT STANDARDS**

9 The issues to be considered on a motion for summary judgment are  
10 not those set forth in the pleadings but are those presented by the  
11 materials submitted in support of the summary judgment motion. *Yates*  
12 *v. Transamerica Ins. Co., Inc.*, 928 F.2d 199, 202 (6th Cir. 1991)

13 In making its determination, however, the court must look to the  
14 evidence offered by the nonmoving party in the light most favorable  
15 to that party, must accept all justifiable inferences on the nonmoving  
16 party's behalf, and must reject any contrary evidence and inferences.  
17 See *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 158-59, 90 S. Ct.  
18 1598, 26 L. Ed. 2d 142 (1970).

19 Overall, the nonmoving party needs to show that the record  
20 contains sufficient specific facts--by demonstrating that the moving  
21 party either ignored or mis-characterized relevant facts--such that  
22 there exists a genuine dispute of material fact. Raising alternate  
23 inferences, on the other hand, might be sufficient to defeat a motion  
24 for summary judgment. Because the court must draw all reasonable  
25 inferences in a light most favorable to the nonmoving party. *Anderson*  
26 *v. Liberty Lobby, Inc.*, 477 U.S. 242, 250-51, 106 S. Ct. 2505, 91 L.  
27 Ed. 2d 202, 4 Fed. R. Serv. 3d 1041 (1986).  
28



Moreover, not only must there be no genuine issue of fact, in order for summary judgment to be granted there must also be no genuine issue as to the inferences to be drawn from the facts. *World-Wide Rights Ltd. Partnership v. Combe Inc.*, 955 F.2d 242 (4th Cir. 1992). Where reasonable minds could differ on inferences arising from undisputed facts, the court should deny summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202, 4 Fed. R. Serv. 3d 1041 (1986).

#### IV

#### **PLAINTIFF AGAIN INCORRECTLY RELIES ON THE PLEA AGREEMENT TO SUPPORT HER ARGUMENT FOR LIABILITY**

This Court has already ruled that the Plea Agreement entered into by Boehm does not impute liability as it relates to Sally Purser.

The Court's November 9, 2006 Order regarding plaintiff's first motion for summary judgment, incorporated herein as Exhibit "A", states, "Boehm's admissions in the criminal case are admissible, but not conclusive in the present case". The court went on to state, "While boehm's conviction and admissions are strong evidence in Purser's favor, standing alone, they do not fully establish liability".

Purser's reliance on her own sworn affidavit and that of criminal co-defendant and former civil defendant Bambi Tyree are replete with false statements. Furthermore, the evidence presented by Boehm via deposition testimony, third party affidavits, investigator statements and medical evaluation dispute all of Purser's allegations creating multiple triable issues of material fact.

1 Purser has not made the requisite showing of liability in order  
2 to gain summary judgment. There are triable issues of fact that must  
3 be decided by a jury of her peers.

4  
5  
6 V.

7 **BOEHM'S RESPONSES TO DISCOVERY CREATE GENUINE ISSUES OF MATERIAL**  
8 **FACTS AS TO EACH AND EVERY ALLEGATION**

9 Josef Boehm's response to Purser's third set of discovery,  
10 incorporated herein as Exhibit "B" contain specific denials to each  
11 and every allegation set forth in Purser's complaint including but not  
12 limited to the following:

- 13 1. Knowingly recruiting and enticing Purser to engage in  
14 sex;
- 15 2. knowingly providing cocaine and illegal substances to  
16 Purser;
- 17 3. that Purser became addicted to illegal substances  
18 provided by Boehm;
- 19 4. forcing Purser to have sex with Boehm and others;
- 20 5. that he forced to Purser to solicit other juveniles for  
21 the purpose of sex;
- 22 6. that he provided airline tickets to Purser and her  
23 mother to prevent her from cooperating with a criminal  
24 investigation.

## VI.

**THIRD PARTY WITNESS TINA ARNDT'S DECLARATION CREATES GENUINE ISSUES  
OF MATERIAL FACTS AS TO EACH AND EVERY ALLEGATION**

At her December 12, 2006 deposition, Sally Purser identifies Tina Arndt as an individual who witnessed and can corroborate the alleged acts of Boehm which support her claims.

Tina Arndt's sworn affidavit, incorporated herein as Exhibit "C", disputes all of Purser's claims as follows:

**1. LESLIE WILLIAMS PROVIDED DRUGS TO TYREE WHO IN TURN  
PROVIDED TO OTHERS**

Arndt was familiar with all of Boehm's acquaintances, friends and family. See Paragraph 4. She identifies Leslie Williams as a cocaine dealer who sold crack cocaine to Mr. Boehm on a daily basis. He provided drugs to Bambi Tyree who would in turn provide to others. See Paragraph 7.

**2. TYREE AND WILLIAMS PROVIDED "DIRTY" CRACK TO BOEHM IN  
ORDER TO MAINTAIN CONTROL OVER BOEHM'S PERSON AND  
PROPERTY**

Arndt states that Boehm was provided "dirty" crack cocaine by Tyree and Williams. See Paragraph 8. The various affects resulting from the drugs provided to Boehm included an obsessive desire for total privacy and security which included drastic measures to keep people out of his home. The "dirty" crack provided by Tyree and Williams had aspects of opiate drug affects that would cause Boehm sickness, sleepiness, incoherence and an inability to coherently assess his surroundings See Paragraph 6 and 9.

Bambi Tyree overcame the free will of Mr. Boehm by ensuring he remained high from the moment he awoke until the time he passed out. Tyree determined who she would allow to be in the house and how she

1 would use other young girls to further try to control Mr. Boehm. Tyree  
2 abused Mr. Boehm both physically and psychologically in order to steal  
3 his personal property, cash and cars. *See Paragraphs 11-13.*

4 **3. BOEHM'S RESIDENCE WAS UNDER CONSTANT SIEGE BY TYREE,  
5 PURSER AND THEIR COHORTS**

6 Arndt identifies people breaking out a window in the back  
7 downstairs bedroom of Boehm's residence to give them a consistent  
8 means of entering and leaving the Boehm home at will. *See Paragraph*  
9 *10.*

10 **4. PURSER HAD MULTIPLE DRUG SOURCES AND EXCHANGED SEX  
11 FOR DRUGS WITH NUMEROUS INDIVIDUALS**

12 Bambi Tyree befriended Sally Purser and her mother Kathleen  
13 Purser. Arndt was aware that Tyree provided "crack" cocaine to Sally  
14 Purser and was aware that Sally Purser's mother Kathleen was "pimping"  
15 her out to drug dealers in exchange for "crack" cocaine. *See paragraph*  
16 *14.*

17 **5. ARNDT DISPUTES PURSER'S ALLEGATIONS OF SEX WITH BOEHM**

18 Whenever Sally Purser was at Mr. Boehm's house she was almost  
19 always with Arndt. Mr. Boehm trusted Arndt who in turn had his  
20 permission to be in any area of his home. This gave her the  
21 opportunity to become familiar with the daily activities and events  
22 that were regularly taking place.

23 Arndt observed Sally Purser to be present at Mr. Boehm's house  
24 on some occasions and can personally attest to the fact that at no  
25 time did he ever engage in any sexual activity or conduct with her.

26 **6. BOEHM'S SEVERE PSYCHOSIS, LACK OF CONTROL OF THOSE AROUND HIM  
27 AND INABILITY TO ENGAGE IN THE ALLEGED SEXUAL ACTIVITY**

28 Mr. Boehm seldom left his bedroom, often never went downstairs  
and hardly ever knew who was in his house. With his degree of paranoia

1 it was almost impossible for him to deal with a number of people  
2 present that he could not keep track of. *Paragraph 17*

3 Mr. Boehm often became afraid to stay in his own home for the  
4 above reasons. He started moving from hotel to hotel because the size  
5 of the room and the physical circumstances enabled him to know who was  
6 present and to feel at least a minimally reduced paranoia over the  
7 small surroundings to which he felt he had more control. *Paragraph 18*

8 Prior to starting to stay at hotels, Mr. Boehm, in an attempt to  
9 clear his house of everyone in it, including but not limited to Bambi  
10 Tyree and Sally Purser, actually stuffed and clogged the plumbing so  
11 as to flood the entire downstairs portion of his house. He also  
12 disconnected the heaters and notwithstanding all these efforts, Bambi  
13 Tyree would still not leave. *Paragraph 19*

14  
15 **7. TYREE WITH THE ASSISTANCE OF PURSER AND OTHERS SCHEMED TO**  
16 **STEAL AND CONTROL BOEHM'S PROPERTY, CASH, CARS AND FINANCIAL**  
17 **RESOURCES**

18 Arndt observed Bambi Tyree with the assistance of Sally Purser  
19 and others with whom she was involved engaged in a plot to keep Mr.  
20 Boehm high on "crack" cocaine to enable them to steal his property,  
21 cash, cars and too seek to gain control over his financial resources.  
22 *See Paragraph 21.*

23 **VII.**

24 **THIRD PARTY WITNESS VINCE BLOMFIELD'S DECLARATION CREATES GENUINE**  
25 **ISSUES OF MATERIAL FACTS AS TO EACH AND EVERY ALLEGATION**

26 Vince Blomfield's Declaration is incorporated herein as Exhibit  
27 "D". Mr. Blomfield had a personal relationship with Bambi Tyree and  
28 describes her as an experienced "crack" cocaine user. Tyree provided  
Blomfield with "crack" cocaine on several occasions and smoked "crack"  
cocaine with on several occasions. *Paragraph 2*

1           **1. TYREE WAS A WELL KNOWN HUSTLER OF MEN WITH MONEY. PURSER**  
2           **CONTRIBUTED TO HER SCAMS**

3           Bambi Tyree was a self proclaimed "pimp" and bragged about  
4           knowing every local drug dealer. Bambi Tyree obtained most of her  
5           drugs from Leslie Williams who was her primary supplier. Bambi Tyree  
6           is a well known hustler who's scam was to identify men with money and  
7           play the role of a girlfriend who traded sex for drugs. Once the money  
8           was gone, so was Bambi Tyree.

9           Bambi Tyree befriended and used several young girls, including  
10          Sally Purser for the purpose of promoting her scam. Tyree's scams were  
11          furthered through physical intimidation, black mail and threats of  
12          calling law enforcement. *Paragraphs 4-5.*

13          Also present with Bambi Tyree on a regular basis, in addition to  
14          Leslie Williams, was Al Bolling. Mr. Bolling was also a supplier of  
15          "crack" cocaine. Mr. Blomfield is aware that Bambi Tyree and Al Bolling  
16          have caused young girls to be strung out on heroin in order to further  
17          their own financial needs. *Paragraph 15.*

18           **2. BLOMFIELD WAS A VICTIM OF TYREE'S SCAM**

19          It was common for Bambi Tyree to get Blomfield high on "crack"  
20          cocaine and then steal his money when he was asleep and one occasion  
21          she absconded with \$25,000.00. Blomfield describes Bambi Tyree as one  
22          of the best hustlers he has have ever seen and systematically scammed  
23          him out of approximately \$250,000.00 while keeping him high on "crack"  
24          cocaine. *Paragraph 6*

25           **3. TYREE OVERCAME THE FREE WILL OF BOEHM IN ORDER TO STEAL**  
26           **HIS PERSONAL PROPERTY, CASH AND CONTROL HIS FINANCES**

27          Mr. Blomfield has personal knowledge of the fact that Bambi Tyree  
28          ran the aforementioned scam on a number of individuals including Josef

1 Boehm. He was around Mr. Boehm during this period of time and had  
2 conversations with him regarding Tyree's motives and actions.

3 Bambi Tyree overcame the free will of Mr. Boehm and began to  
4 control his life. She began to make all of the decisions affecting the  
5 day to day activities of Mr. Boehm. This would include ensuring he  
6 remained high from the moment he awoke until the time he passed out,  
7 determining who she would allow to be in the house and how she would  
8 use other young girls to further try to control Mr. Boehm. *Paragraphs*  
9 *7-8*

10 Mr. Blomfield witnessed Mr. Boehm trying desperately to get rid  
11 of Tyree who in turn threatened to black mail Mr. Boehm. In addition  
12 to her threats of black mail, Tyree demanded money from Mr. Boehm in  
13 exchange for leaving his home.

14  
15 **4. BOEHM'S SEVERE PSYCHOSIS AND LOSS OF CONTROL OF HIS  
SURROUNDINGS**

16 In or around October, 2003, Mr. Blomfield stopped by Mr. Boehm's  
17 residence. Bambi Tyree was present with a half a dozen girls. He  
18 attempted to talk to Mr. Boehm, however, Bambi Tyree refused to let  
19 Blomfield near him. Regina Moore and Tina Arndt were also present.  
20 Bambi Tyree insulated Mr. Boehm from everyone as it was apparent that  
21 she was afraid to lose control of him. Mr. Boehm appeared to be  
22 incoherent and unaware of his surroundings. *Paragraphs 9-10*

23 Mr. Blomfield witnessed the dramatic effects the drugs had on  
24 Boehm including an obsessive desire for total privacy and security.  
25 This desire manifested itself in ways such as staying primarily in the  
26 upstairs of his home, installing a deadbolt lock on his bedroom door  
27 in the hope of preventing anyone from coming into his bedroom,  
28 installing a sophisticated alarm system which was kept activated 24

1 hours a day for the purpose of keeping people out of his home and  
2 certainly not for the purpose of keeping them trapped inside.

3 Paragraph 11

4 Mr. Blomfield witnessed Mr. Boehm's psychosis become dramatically  
5 worse during his relationship with Bambi Tyree. With his degree of  
6 paranoia it was almost impossible for him to deal with a number of  
7 people present that he could not keep track of. On occasion, he would  
8 hold himself up in hotel rooms and disassemble all of the electronic  
9 equipment as a result of his severe paranoia. Paragraph 13

10 **5. PURSER'S INVOLVEMENT IN TYREE'S SCAM, ADMISSION OF DRUG**  
11 **USE AND SEX WITH OLDER MEN**

12 During his relationship with Bambi Tyree, Mr. Blomfield Stayed  
13 at Kathleen Purser's house for a short time. It was there that he met  
14 Sally Purser for the first time. Mr. Blomfield was sleeping in the  
15 bedroom when he was first approached by Sally Purser who inquired as  
16 to whether he was "Bambi's boyfriend". Sally Purser explained that  
17 upon meeting Bambi Tyree she smoked "crack" cocaine with her.

18 Sally Purser also told Mr. Blomfield about an incident in which  
19 she, Bambi Tyree and a gentlemen named Tony Heffner got into a Jacuzzi  
20 together. Sally went on to boast that Bambi Tyree convinced her to  
21 have sex with him. During this conversation, Holly, a friend of Sally  
22 Purser was in the room. It was apparent to Mr. Blomfield that Sally  
23 Purser was attempting to obtain drugs and money from Mr. Blomfield in  
24 exchange for sex. Paragraph 16-17



## VIII.

**SIGNIFICANT MENTAL, EMOTIONAL AND PHYSICAL IMPAIRMENTS PREVENTED BOEHM FROM BEING ABLE TO ACT IN AN INTENTIONAL OR KNOWING MANNER AS ALLEGED BY PURSER**

On November 11, 2004, Gary A. Jacobsen, M.D. reviewed a series of records and reports filed in conjunction with the criminal action against Boehm, Tyree, Bolling and Williams. Dr. Jacobsen's report is incorporated herein as Exhibit"E".

Dr. Jacobsen based his opinions on the court files, reports, and several interviews with Boehm as well patterns and behaviors over his lifetime. Dr. Jacobsen's summary of opinions regarding Boehm revealed that between late 2001, and continuing until at least 12/22/03, Mr. Boehm's heavy use of "crack" cocaine in combination with a variety of other factors related to chronic use such as intermittent sleep deprivation and/or malnutrition and/or possible being given other substances without his knowledge, caused significant mental, emotional and physical impairments which prevented Mr. Boehm from being able to act in an intentional manner that required the ability to think clearly with sound judgment; and be fully aware of what was occurring in his life due to altered perceptions.

**1. PURSER ACKNOWLEDGED THAT TYREE, WILLIAMS AND BOLLING ALTERED BOEHM'S FOOD AND DRUGS RENDERING HIM INCOHERENT**

Dr. Jacobsen's finding have been bolstered by the declaration of Tina Arndt and Vince Blomfield confirming the fact that Boehm's drugs were being altered by Williams and Tyree which in turn placed him in an incapacitated and incoherent state.

Sally Purser also confirmed the aforementioned conduct:

"No. He didn't even know what the fuck was going on. He just wanted to get high and get off...And in order to get that done, you know, Allen and all these people made it a little more

difficult...They were putting shit in his dope though, I know they were...The dope gets you high no matter what. I know they were putting shit in his food...Yeah, because Leslie and stuff would bring food over and it'd already be open and stuff, and I like remember one time-oh, wow, I don't know what the fuck it was sprayed with, but I about puked".

*Purser Investigator Statement*

*Page 48, lines 23-25, page 49, lines 1-14*

Boehm was being given unknown substances without his knowledge, which caused significant mental, emotional and physical impairments which prevented Boehm from being able to act in an intentional or knowing manner towards Purser as alleged in her complaint.

## **2. PURSER'S CAUSES OF ACTION REQUIRE KNOWING AND INTENTIONAL CONDUCT BY BOEHM**

Purser's complaint alleges causes of action all of which require elements of specific intent and knowing actions. Her allegations of a conspiracy require an agreement and an overt act in furtherance of the conspiracy. The overt acts depended on by Purser never happened and furthermore, could not have happened due to Boehm's state of severe psychosis and incoherence. Purser claims the following:

1. Boehm knowingly recruited Purser;
2. Boehm conspired with Tyree, Bolling and Williams to get Purser addicted to cocaine to control her and keep her within their grasp through threats and psychological coercion;
3. Boehm, Tyree, Bolling and Williams furthered their conspiracy by using illegal substances to control Purser and have sex with Purser;
4. Tyree would find drug dealers to supply Boehm with drugs he could use to entice Purser and keep her under his control;
5. Purser was forced through coercion and intimidation to labor directly for Boehm;
6. Purser labored, and endured Boehm's physical, verbal and sexual attacks because her will was completely overborne through the use of coercion, force and illegal substances

1 provided by the defendants, with the intent of overriding  
2 Purser's will;

3 Every one of Purser's causes of action require intent and knowing  
4 behavior. Not only did Boehm not engage in the aforementioned actions,  
5 he did not have the requisite ability to do so. Purser recognized that  
6 Boehm was a victim of Tyree, Williams and Bolling when making the  
7 following recorded statement to investigator Terry Shurtleff,  
8 incorporated as Exhibit "F":  
9

10 "...I don't feel you know that Josef is a  
11 perpetrator in any of this. Like he is just as  
12 much a victim as I am of these three people, you  
13 know, let alone - let alone my circumstances are  
14 a little more harsh than his because I'm a young  
15 female victim to...okay?

16 *Purser Investigator Statement,*  
17 *Page 17, lines 22-25*

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

VIIII.

**PURSER'S TRANSPARENT DISMISSAL OF TYREE AND SUBSEQUENT FILING OF  
HER AFFIDAVIT IN SUPPORT OF SUMMARY JUDGMENT UNDERMINES THE  
LEGITIMACY OF HER ALLEGATIONS IN WHICH SHE IDENTIFIED BAMBI TYREE  
AS THE "RINGLEADER"**

19 In attempting to ascribe a motive for Purser to dismiss Tyree one  
20 can only assume that dismissing Tyree would provide Purser with the  
21 very affidavit that this Court suggested would be required to support  
22 a motion for summary judgment in its November 9, 2006 Order denying  
23 summary judgment as to liability.

24 This Court made that Order in anticipation of an affidavit that  
25 would be undisputed and create no issues of fact. Instead, on the  
26 basis of Purser and Tyree's transparent conduct a pandora's box has  
27 been opened, because the very affidavit the Court suggested was  
28 necessary to meet summary judgment requirements has been contradicted

1 by a barrage of deposition testimony, statements, declarations and  
 2 evidence which rather than solidifying the motion for summary judgment  
 3 has undeniably and unequivocally established a very significant number  
 4 of material facts precluding this court from a finding of  
 5 liability.<sup>1</sup>

6 Purser's complaint is largely dependant on conspiracy allegations  
 7 involving Bambi Tyree. Purser's statements identify Tyree as a "ring  
 8 leader" and a "snitch":

9  
 10 **"He's a victim as much as I am, and you want to**  
 11 **know who the fucking ring leaders are? Al, Leslie**  
 12 **and Bambi ok? And Everybody - they're getting off**  
 13 **fucking - because Bambi snitches her little ass**  
 14 **around and lies about whatever the fuck she**  
 15 **did..."**

16 Purser Investigator Statement,  
 17 Page 11, Lines 15-23

18 **"...Allen and Bambi-Allen and Bambi are the ones**  
 19 **that need to spend the rest of their fucking**  
 20 **lives in jail, and Bambi's going to get off scot**  
 21 **free because she snitched okay"?**

22 Purser Investigator Statement,  
 23 Page 47, lines 18-21

24  
 25 <sup>1</sup>The manner in which the underlying criminal case was handled, given the  
 26 information that should have been available during the criminal case and is  
 27 being brought out in the depositions, declarations and motions in the civil  
 28 case together with the paucity of any significant act directed against any of  
 the alleged victims either at a trial or at the sentencing hearing may suggest  
 and support grounds for a 18 U.S.C. §2255 motion. While counsel has not yet  
 decided whether, when or how to pursue that issue lends compelling additional  
 evidence to recognize that there are clearly disputed questions of fact and  
 this is certainly not the kind of case that this court would like to be put to  
 bed without a full and fair analysis of the true facts, the true  
 inconsistencies and the myriad of questions of facts that must be decided to  
 reach a proper ruling. On this record this defendant must not and should not be  
 denied his day in court.

Purser's dismissal of Tyree as a defendant undermines the legitimacy of her allegations in which she identified Tyree as the "Ring Leader". The timing of the dismissal in relation to the filing of Tyree's affidavit in support of summary judgment creates an overriding inference to be drawn from the allegations set forth in the affidavits of Tyree and Purser prohibiting a finding of summary judgment.

#### XI

**PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE, RULE 36 ALL ADMISSIONS SERVED ON PURSER ON NOVEMBER 10, 2006 ARE DEEMED ADMITTED DUE TO HER FAILURE TO RESPOND. THE ADMISSIONS ABSOLVE BOEHM OF ALL LIABILITY FOR PURSER'S CLAIMS**

Rule 36 of the Federal Rules of Civil Procedure states:

The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow or as the parties may agree to in writing, subject to Rule 29, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney. If objection is made, the reasons therefor shall be stated.

On November 10, 2006, Boehm served his second set of discovery on Purser's counsel Darryl Jones via facsimile and U.S. Mail. Incorporated herein as Exhibit "G". The discovery requests were attached to counsel Brett A. Greenfield's November 10, 2006 facsimile correspondence to Darryl Jones, incorporated herein as Exhibit "H". The aforementioned correspondence refers to the attached discovery requests. The second set of discovery has a proper proof of service attached.

1 On November 14, 2006, Darryl Jones responded to Mr. Greenfield's  
2 November 10, 2006 correspondence via facsimile and U.S. mail thus  
3 acknowledging receipt, Incorporated herein as Exhibit "I".

4 Purser's failed to respond or even serve objections. Boehm's  
5 requested are deemed admitted by Purser which absolves Boehm of all  
6 liability as to Purser's claims.

7  
8 **XI.**

9 **ERIN AXT'S DEPOSITION TESTIMONY CREATES GENUINE**  
10 **ISSUES OF MATERIAL FACT**

11 Erin Axt's deposition taken on December 13, 2006, incorporated  
12 herein as Exhibit "J" reveals that Erin Axt first smoked "crack"  
13 cocaine with Sally Purser, provided by Purser, while at Purser's home.  
14 *Deposition of Erin Axt, Pages 15-17.*

15 In addition, Bambi Tyree provided "crack" cocaine to Erin Axt.  
16 *Deposition of Erin Axt, Page 17.* Erin Axt first snorted powder cocaine  
17 with Sally Purser at Purser's home. She does not know where Purser  
18 obtained the cocaine. *Deposition of Erin Axt. Pages 26, lines 22-25,*  
19 *Page 27, Page 28, lines 1-5.*

20 Erin Axt would often smoke "crack" cocaine at Sally Purser's home  
21 with Sally and Kathleen Purser. *Deposition of Erin Axt, Page 51, lines*  
22 *2-21.*

23 On one occasion Erin Axt testified that Bambi Tyree, Sally Purser  
24 and Erin Axt stole Boehm's Cadillac and took it for a joy ride. While  
25 driving they were smoking "crack" cocaine. They refused to give the car  
26 back to Boehm unless he gave them money. *Deposition of Erin Axt, Page*  
27 *72, line 17 - page 74, line 14*

Erin Axt's testimony is consistent with the affidavits of Tina Arndt and Vince Blomfield that depict Tyree and Purser's penchant for smoking "crack" cocaine and providing to others.

Her testimony further supports the fact that Purser had multiple sources in which to acquire drugs and did not become addicted as a result of knowing Boehm. Furthermore, the episode in which Tyree and Purser stole Boehm's car and demanded money in return further shows their scam to take advantage of Boehm by stealing his money, cars, and property.

## XI

### **PURSER'S DEPOSITION TESTIMONY AND INVESTIGATOR STATEMENTS ARE CONTRADICTORY AND CREATE MULTIPLE ISSUES OF DISPUTED MATERIAL FACT**

Purser has offered Investigator Statements, Grand Jury Testimony and Deposition Testimony as to each material allegation contained within her complaint. Many of the statements provided contradict and undermine her present allegations creating multiple issues of disputed material fact. Purser's Grand Jury Testimony and Deposition Testimony are incorporated herein as Exhibits "K" and "L" respectively.

#### **1. PURSER'S MOTIVATION FOR MONEY HAS RESULTED IN A CHANGE OF TESTIMONY**

Purser's motivation to acquire a financial benefit from Boehm is transparent and proven by her own contradictions. Even more revealing is the following excerpt taken from her December 12, 2006 deposition:

Q. Now you have answered a number of questions this morning that I asked you by saying that, for example, about Mr. Boehm being the victim of Ms. Tyree and Mr. Bolling and Mr. Williams, by saying that's what you believed when you said those things in 2004. But am I correct in assuming that you're saying you no longer feel that way?

A. No, I do not any longer feel that way.

Q. Between that time and now you have filed a civil complaint, is that correct?

1 A. Yes, that is correct.

2 Q. And that civil complaint is for damages for money, is  
that right?

3 A. Yes.

4 Q. Is the fact that you have filed a lawsuit for money  
making various allegations that are different than  
5 what you felt in 2004, the reason that you changed  
your feeling?

6 A. The reason I filed the civil suit is because my  
feelings changed.

7 *See Purser Deposition, page 89, 90*

## 8 **2. COMPARISON OF PURSER'S STATEMENTS TO HER MATERIAL ALLEGATIONS**

9  
10 In addition to Purser's past statements previously set forth in  
11 this opposition the following further illustrates the myriad of  
12 material facts in dispute , A comparison of Purser's past and present  
13 statements as they relate to the material allegations set forth in her  
14 complaint are set forth as follows:

### 15 **a. Boehm Knowingly Recruited Purser**

16 Purser's relationship with tyree occurred before ever meeting  
17 Josef Boehm. In fact, Purser testified that she was introduced to  
18 Tyree at her mother's house when she was there to supply drugs. She  
19 further states that Tyree was initially a friend of her mother. See  
20 *Purser Deposition, Page 30*

21 As set forth through sworn affidavits, Bambi Tyree with the  
22 assistance of Sally Purser and others with whom she was involved  
23 engaged in a plot to keep Mr. Boehm high on "crack" cocain, incoherent  
24 and in state of severe psychosis to enable them to steal his property,  
25 cash, cars and too seek to gain control over his financial resources.

### 26 **b. Purser's Addiction to Drugs as a Result of Boehm's** 27 **Controlling Her to Have Sex**

28 Purser began using drugs as early as age 12. She was introduced  
to "crack" cocain by her mother and continued a pattern of drug use



1 for many years resulting in a criminal drug conviction. Purser  
2 obtained her drugs from multiple sources and in many instances traded  
3 sex for drugs.

4 Purser first smoked marijuana at age 12. *See Purser Deposition,*  
5 *page 10.;*

6 Purser was suspended from school at age for using ecstasy at age  
7 15. *See Purser Deposition, Page 13, 14;*

8 Purser began drinking alcohol at age 14. *See Purser Deposition,*  
9 *Page 29;*

10 Purser first smoked "crack" cocaine with her mother at age 15. *See*  
11 *Purser Deposition, Page 19, 20;*

12 Purser smoked "crack" cocaine with an older man named Carl Bucher  
13 and her mother at age 15. *See Purser Deposition, Page 21, 22*

14 Purser again smoked "crack" cocaine with Carl Bucher a few days  
15 later. In addition she had sex with him in a hotel while "high" on  
16 "crack" cocaine. *See Purser Deposition, Page 22;*

17 Purser admits that it was with Carl Bucher that she first "liked  
18 the feeling" cocaine gave her. *See Purser Deposition, Page 23;*

19 Purser admits that Carl Bucher was the first person she traded  
20 sex for money with. In addition she admitted that her mother traded  
21 her for "crack" to her "drug associate" Gary "D". *See Purser*  
22 *Investigator Statement, Page 23, Lines 17-25, Page 24, Lines 1-5*

23 Purser states that her mother smoked "crack" cocaine with her  
24 "drug associate" Gary "D" on a regular basis. *See Purser Deposition,*  
25 *Page 37, 38;*

1 Purser, while knowing Boehm, lived with a convicted drug dealer  
2 and escort service owner named Jay Whaley. At the time Purser was 16  
3 years old. Whaley paid for Purser's food and drugs in exchange for  
4 sex. Whaley sold drugs to Purser's mother. *See Purser Deposition, page*  
5 *35, 37*

6 Purser obtained "crack" cocaine from her mother when living with  
7 her. *See Purser Deposition, Page 69.*

8 Purser was arrested and convicted for drug possession  
9 approximately two years ago in Anchorage, Alaska. *See Purser*  
10 *Deposition, Page 27.*

11 Purser's claim that Boehm was responsible for getting her  
12 addicted to drugs in order to control her and have sex with her is  
13 nonsensical as it ignores the fact that no one had control over  
14 Purser. Purser was very adapt at finding multiple sources in which to  
15 obtain various forms of drugs. Purser's need for drugs resulted in her  
16 willingness to trade sex with multiple individuals, old and young.

17 The affidavits set forth in this opposition indicate that  
18 Purser's need to get her hands on drugs resulted in a relationship  
19 with Bambi Tyree to scam various men with money, including but not  
20 limited to Tony Heffner, Carl Bucher and Vince Blomfield.

21  
22 **c. Purser's Allegation That She Intimidated, Threatened and**  
23 **a Victim of Involuntary Servitude**

24 Purser intimates that she was locked in Boehm's house and not  
25 allowed to leave. She suggests that she was somehow held captive  
26 through physical threat, psychological threat, innuendo and an alarm  
27 system.  
28

1 Purser admits to breaking into Boehm's house through a broken  
2 window in a downstairs guest bedroom. *See Purser Deposition, Page 83;*

3 Purser admits that she could leave Boehm's home whenever she  
4 wanted. *See Purser Deposition, Page 84.*

5 Purser stated that Boehm had no control over his own home and  
6 attempted to make people leave to no avail. At times Boehm was scared  
7 to tell people to leave for fear of what they might do to him. In  
8 order to cope with the unwanted visitors he would simply lock himself  
9 in his room. Purser went on to testify that everyone would sneak in  
10 his house through the broken downstairs window. *See Boehm Deposition,*  
11 *Page 102-104*

12 Purser stated about Boehm, "I liked him, I was comfortable with  
13 him, I never felt threatened". *See Purser Investigator Interview, Page*  
14 *37, lines 3-7;*

15  
16 **d. Purser's Allegation of Being Provided Airline Tickets to**  
17 **Avoid a Criminal Investigation.**

18 Purser testified that Boehm offered to help Kathleen further her  
19 plan to move to Seattle after she lost her home due to a default in  
20 mortgage payments. *See Purser Deposition, Page 121*

21 **e. Purser Admits To Her Involvement In Scam To Steal Money**  
22 **From Carl Bucher**

23 In her deposition Purser confirms she made the following  
24 statement "I was at my house and I woke up and Bambi was there. And  
25 Carl, the guy that I had met Bambi through, was sleeping downstairs  
26 in my mom's room, and he had his pants -- he had his pants off but  
27 they were wrapped around his arm so nobody could take what was in his  
28 pockets and Bambi and I had gotten his pants away from him and ended  
up stealing \$2,000 from him and we left in his van that had \$30,000

1 in a suitcase in the back and we went to the Holiday Inn Hotel  
2 downtown across from the Millennium Club." See *Purser Deposition*, Page  
3 32.

4 **f. Purser's Past Fraudulent Sexual Assault Claims**

5 Purser testified that she lied about being sexually assaulted by  
6 her uncle because she did not like him and he was too strict. See  
7 *Purser Deposition*, Page 34-35.

8 Her previous false claims lends further credence to the argument  
9 that her present claims are strictly money driven. An inference can be  
10 drawn from her past false claims and contradictory testimony for the  
11 purpose of assessing material facts in dispute in order to defeat  
12 summary judgment.  
13

14 **XII**

15 **CONCLUSION**

16 For the foregoing reasons, Josef Boehm respectfully requests that  
17 this Court deny Plaintiff's second motion for summary judgment as  
18 there are numerous material facts in dispute.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Submitted this 29<sup>th</sup> day of December, 2006

2 KENNER LAW FIRM

3  
4 By:\_\_\_\_\_/s/\_\_\_\_\_

5 David E. Kenner

6 California 41425

7 16000 Ventura Blvd.

8 Penthouse 1208

9 Encino, California 91436

10  
11 By:\_\_\_\_\_/s/\_\_\_\_\_

12 Brett A. Greenfield

13 California 217343

14 16000 Ventura Blvd.

15 Penthouse 1208

16 Encino, California 91436